REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1 – 8 are currently pending in this application. Claims 1 and 8 have been amended.

Applicants submit that no new matter has been introduced into the application by these amendments.

Objections to the Specification

The Examiner objected to the specification because "The brief description of new Fig. 2 in the specification required by 37 CFR 1.74 is not present."

Applicants point out that an amendment to the Specification, including new paragraph regarding the brief description of new Fig. 2 was made on March 16, 2009. Specifically, at page 4 of the Reply filed March 16, 2009, it was requested that the following new paragraph after paragraph [0020] be added:

"[0020.1] Figure 2 shows two bars having different diameters."

In the Substitute Specification at page 4, paragraph [0020] is under the heading "*BRIEF DESCRIPTION OF THE DRAWINGS*"

Since the Specification was properly amended, Applicants request that the amendment be entered. Accordingly, withdrawal of the objection to the Specification is respectfully requested.

Claim Rejections - 35 USC §112

Claims 1 – 8 were rejected under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 8 have been amended in accordance with the examiner's recommendation. Accordingly, withdrawal of the §112, second paragraph, rejection of claims 1 – 8 is respectfully requested.

Claim Rejections - 35 USC §102 and 103

Claims 1 – 3 and 5 – 8 were rejected under 35 U.S.C. §102(b), as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,206,315 to Wier.

Claim 4 was rejected under 35 U.S.C. §103(a) as obvious over Wier.

Applicants respectfully traverse the rejections.

Claim 1 currently recites a torsion bar for application in belt winders for safety belts. The torsion bar includes a bar having end sections; and drive and/or locking elements arranged on the end sections for positive connection to respective devices. Different torques, in relation to a deformation strength of the bar, at constant sizes of the drive and/or locking elements are achieved by exchanging the bar with another bar having a different diameter. The bar is produced in one piece in a cold forming impact extrusion process from a non-ferrous metal.

Claim 8 currently recites a safety belt winder torsion bar system. The system includes a non-ferrous metal bar produced in one piece in a cold forming impact extrusion process having end sections and a drive or locking element arranged on the end sections for positive connection to respective devices. Applied torque of the drive or locking elements in relation to a deformation strength of the torsion bar is a function of the diameter of the bar.

Weir fails to show or suggest a torsion bar for application in belt winders for safety belts where different torques, in relation to deformation of the bar, at constant sizes of the drive and/or locking elements are achieved **by exchanging the bar** with another bar having a different diameter. Weir also fails to show or suggest drive or locking element **arranged on end sections** for positive connection to respective devices as claimed. The drive or locking portions are **integral** with the bar and not arranged on the bar as claimed. Further, Weir fails to mention a non-ferrous metal bar produced in one piece in a cold forming impact extrusion process, as is claimed.

It is improper for the examiner to simply dismiss the claimed features as obvious since, in the course of development, requirements of the safety standards were also extended to guarantee functionality even at very low temperatures. At the same time, the demand for simpler torsion bars had to be met. From the resulting several open parameters and requirements, innumerous combinations have the expert, from that point on, developing completely new ways and materials

to use for this task. The test effort, the development period and the prospects for success were not in the expert's favor. Only thanks to the great innovative development of the resources used and the creative combination of different variants could the production of a completely new generation of torsion bars having new and innovative features be provided.

If one compares only a few characteristics with those of a previous torsion bar of steel, it can be concluded that the thickness of the torsion bar can be reached from a non-ferrous metals, a similar torque-displacement behavior in the normal temperature above zero degrees. However, the behavior of non-ferrous metals can be significantly better than steel in the low temperature and provides a smooth transition between the zero and -35°C range.

Concurrent to the above mentioned development methods, further cold forming capabilities were examined to simplify the manufacturing process. A torsion bar in this way can be defined as a double connecting part. That is, is that at least two places at the outside diameter the head-shaped rod is attachable to a drive or locking element. Through further cold forming steps it was achieved that the torsion bar could be made in one piece, although as described above, the requirements regarding a torsion bar can be complex. Here, too, was that any slight change had to be checked on the product requiring great effort to test and to document. If one considers all of the development of this type of torsion bars, it

would be impossible to develop such an improvement without an inventive step to this solution.

Claims 2 – 7 are dependent upon claim 1, which the Applicants believe is allowable over the cited prior art of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the §102 and 103 rejection of claims 1 – 8 is respectfully requested.

It is respectfully requested that an interview be conducted to discuss acceptable claim language to express the intended claimed structure that is clearly not taught by the prior art. Such course of action is consistent with the policy expressed by Director Kappos as reported in the August 27, 2009 IPO Newsletter as follows:

THURSDAY, AUGUST 27, 2009, 9:30 a.m.

KAPPOS TELLS U.S. PATENT EXAMINERS THAT QUALITY DOES NOT EQUAL REJECTION -- Yesterday several blogs in the U.S. covered a message addressed to USPTO patent examiners on "The Official Blog of Under Secretary David Kappos." Among other things, Kappos said, "On the subject of quality, there has been speculation in the IP community that examiners are being encouraged to reject applications because a lower allowance rate equals higher quality. **Let's be clear: patent quality does not equal rejection**. Patent quality equals granting those claims the applicant is entitled to under our laws. In some cases this requires us to reject all the claims when no patentable subject matter has been presented. . . . In other cases this means granting broad claims when they present allowable subject matter. . . . " (Bold in original.) The blog can be accessed only by USPTO employees at this time, but it is reported that it may be accessible to the public in the future.

It is clear that the prior art does not disclose the structure of the torsion bar as taught by Applicants. It is respectfully submitted that the requested telephonic interview will enable the parties to arrive at appropriate claim language so that this

case can be allowed without appeal. Please call or email the undersigned with a proposed time and date for such an interview.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application, including claims 1 – 8, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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